

## Message Text

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ACTION DLOS-06

INFO OCT-01 EUR-25 IO-14 ISO-00 AF-10 ARA-16 EA-11 NEA-10

RSC-01 CG-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15

SAM-01 CEQ-02 COA-02 COME-00 EB-11 EPA-04 NSF-04

SCI-06 FEA-02 ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04

INT-08 JUSE-00 OMB-01 DRC-01 /266 W

----- 047467

R 270025Z FEB 74

FM USMISSION USUN NY

TO SECSTATE WASHDC 2865

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

AMEMBASSY TOKYO

C O N F I D E N T I A L USUN 0651

E.O. 11652: GDS

TAGS: PROB, UN

SUBJ: LOS: GROUP OF FIVE CONSULTATIONS ON RULES

REF: USUN 0633

SUMMARY: GROUP OF FIVE MET AT USUN 26 FEB TO DISCUSS  
PROGRESS OF LOS CONF PRESIDENT'S CONSULTATIONS ON RULES OF  
PROCEDURES. END SUMMARY.

1. AMB. STEVENSON SOUGHT GROUP'S VIEWS ON CANADIAN TEXT  
FO RULE 37 (REFTEL). SOVS (KOLESNIK) SAID KLESTOV REACTED  
NEGATIVELY TO THIS PROPOSAL WHEN BEESLEY SHOWED IT TO HIM  
IN VIENNA. HOWEVER, SOVS WOULD BE ABLE TO QTE SWALLOW UNQTE  
TEXT IF AGREEMENT IS REACHED ON SUBSTANTIAL CHANGES TO OTHER  
RELATED RULES; IF THIS WAS AS MUCH AS NON-ALIGNED WILL CONCEDE  
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IT IS NOT ENOUGH. KOLESLNIK LIKED REFERENCE TO GENERAL COMMITTEE

(GC) ALTHOUGH HE FELT IT DID NOT GO FAR ENOUGH; HE COULD ACCEPT QTE TWO-THIRDS OF THOSE PRESENT AT CONF UNQTE AS LAST CONCESSION SINCE IT WOULD PERMIT UNITED STAND BY MARITIME STATES TO BLOCK UNACCEPTABLE ARTICLES BY REQUIRING SOME 100 VOTES FOR ADOPTION OF ANY TEXTS. SOVS BELIEVE INCORPORATING GENTLEMEN'S AGREEMENT (GA) INTO RULES IS NOT BAD IDEA SINCE IT CHANGES STATUS FROM MORAL TO LEGAL OBLIGATION. IF IT IS NOT FULLY INCORPORATED IN RULES, THEY WOULD PRESS FOR SEPARATE RES.

2. UK (DUDGEON) THOUGHT CANADIAN PROPOSAL WAS CLOSE TO ACCEPT-ABILITY BUT SAW MAJOR DISADVANTAGE IN SPECIFYING MAXIMUM LIMIT FOR DELAY SINCE IT REMOVES INCENTIVE TO NEGOTIATE. UK FURTHER BELIEVES PROVISION SHOULD BE MADE TO ENABLE PRES TO DELAY VOTE UNTIL AN ASSOCIATED ARTICLE IS READY FOR CONSIDERATION. DUDGEON SAW MINOR DISADVANTAGE IN ALLOWING COMITE RATHER THAN CONF DECIDE WHEN TO VOTE. KU INSTRUCTIONS ALLOW DROPPING DEMAND FOR SEPARATE RES ON GA BUT ONLY AS LAST RESORT AND NOT BEFORE CARACAS UNLESS SUBSTANCE OF GA IS UNAMBIGUOUSLY COVERED IN RULES; DOING OTHERWISE WOULD REQUIRE MINISTERIAL DECISION.

3. JAPAN (OGISO) SAID THEIR OPINION WAS SIMILAR TO UK BUT STRONGER IN OBJECTION TO SPECIFYING FIXED PERIODS FOR DELAY. OGISO SUGGESTED WORKING FOR DELETION OF THE CANADIAN TIME LIMITS AND REPLACEMENT BY THE PROCEDURE IN THEIR AMENDMENT CONCERNING INTERRELATED CHARACTER OF LOS ISSUES (UN DOC A/CONF. 62/16).

4. FRANCE (JEANNEL) DISAPPROVES OF THE APPROACH OF WORKING ON RULES BEFORE RESOLVING GA. THAT ASIDE, MAJOR DISADVANTAGES OF CANADIAN PROPOSAL ARE THE FIXED PERIODS AND THE STRESS ON COOLING OFF PERIODS WHICH HE BELIEVES IS CONTRADICTIONARY TO SPIRIT OF GA IN THAT IT UNDERMINES INTENTION THAT ALL EFFORTS SHOULD BE MADE TO REACH CONSENSUS. WITHOUT RES ON GA JEANNEL BELIEVES IT ESSENTIAL TO GET RULES TO REFLECT BOTH MAJOR PRINCIPLES OF GA: EFFORTS TOWARD CONSENSUS ON SUBSTANCE AND LOS CONSIDERED AS A WHOLE.

5. US (STEVENSON) NOTED THAT UNLESS MAX PERIOD IS SPECIFIED PRESIDING OFFICERS WOULD HAVE DISCRETION ON DELAY AND THIS WOULD GIVE EXTREMELY WIDE DISCRETION TO COMMITTEES I AND II CHAIRMEN. STEVENSON SAID US COULD PROBABLY LIVE WITH CANADIAN PROPOSAL  
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IF GA WAS COVERED BY AN APPROPRIATE RES. HE FURTHER SUGGESTED THAT GROUP MIGHT CONSIDER BUILDING ON GROUP OF 77 LAND-LOCKED PROPOSAL FOR A NEW RULE 38 (UN DOC A/CONF 62/19) BY ADDING PHRASE QTE BEARING IN MIND THAT MATTERS OF OCEAN SPACE ARE INTERRELATED AND NEED TO BE CONSIDERED AS A WHOLE UNQTE.

6. ON TACTICS JEANNEL URGED GROUP TO REMAIN STRONG ON INCLUSION OF PRINCIPLE OF CONSIDERING LOS AS A WHOLE, TWO-THIRDS VOTE OF

CONF PARTICIPANTS, AND DELETION OF REFERENCE TO PRECISE DELAYS.  
JEANNEL IS DOUBTFUL THAT GROUP OF 77 WITH COMMIT THEMSELVES TO  
ANY AGREEMENT THIS WEEK. JEANNEL AND KOLESNIK URGED GROUP TO  
MAINTAIN RESERVED POSITIONS TO AVOID DANGER THAT SIGNS OF CON-  
CESSION WOULD BE REGARDED AS STARTING POINT BY LDC'S WHEN CARACAS  
SESSION BEGINS.  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW OF THE SEA, AGREEMENTS, COMMITTEE MEETINGS, MEETING PROCEEDINGS, UNGA RESOLUTIONS, POLITICAL CONCESSIONS, FOREIGN POLICY POSITION  
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**Disposition Approved on Date:**  
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**Disposition Date:** 28 MAY 2004  
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**To:** STATE  
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